**THE HON'BLE SRI JUSTICE C.V. RAMULU**

Monday, the 4th day of June,2007

**W.P.No.22906 of 2006**

Between:-

The Depot Manager,
APSRTC, Rayachoti
Depot, Rayachoti … Petitioner

and

A. Syed Rassol
and another … Respondents

**THE HON'BLE SRI JUSTICE C.V. RAMULU**

**W.P.No.22906 of 2006**

**ORAL ORDER:**

This Writ Petition is filed being aggrieved by an Award dated 23-3-2006 made in I.D.No.327 of 2003 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur.

It appears, the respondent-workman was removed from service on the ground that he had produced a fake driving licence at the time of his appointment as a Driver into the service of the petitioner-Corporation. After conducting a detailed enquiry, the workman was removed from service on 4-5-1998. Aggrieved by the same, the workman filed the said I.D.No.327 of 2003 under Section 2-A(2) of the Industrial Disputes Act,1947. The Labour Court, however, held that the order of termination of the services of the respondent-workman is liable to be set aside and the petitioner-Management was directed to reinstate the workman into service within one month from the date of publication of the Award. It was further held that the workman is entitled for continuity of service and other attendant benefits, but not for back wages.

The Award passed by the Labour Court is not based on the fact that the respondent-workman was holding a valid licence and, therefore, he is entitled for continuity of service and also attendant benefits. The whole Award is based on the Circular dated 31-8-2000 issued by the concerned Regional Manager while dealing with such matters. Therefore, I am of the opinion that the respondent-workman is

not entitled for continuity of service and attendant benefits. Of course, he is entitled for reinstatement into service afresh. In fact, such similar Writ Petitions were already disposed of by this Court by a common Order dated 27-12-2006 in Writ Petition No.22102 of 2006 and batch, wherein this Court held as under:

> "Having regard to the fact that the similarly placed persons were directed to be reinstated as Drivers afresh by extending the benefits of Circular dated 31.08.2000, and having regard to the agreed stand taken by the counsel, I deem it appropriate to dispose of the Writ Petitions with the following modification.
>
> The impugned awards of the Labour Court, which directed reinstatement of the respondents-workmen into service with continuity of service is modified to that of reinstatement of the respondents-workmen into service as Drivers afresh by extending the benefits of Circular, dated 31.08.2000. The petitioners-Corporation is directed to appoint the respondents-workmen as drivers afresh by extending the benefits of Circular dated 31.08.2000 for the purpose of calculating the period of three years valid driving licence. The petitioner-Corporation shall take into consideration the period of service rendered by the respondents-workmen previously for the purpose of calculating three years period of valid driving licence."

Accordingly, the Writ Petition is allowed in part. The impugned Award is modified to that of reinstatement of the respondent-workman into service as Driver afresh by extending the benefits of Circular

dated 31.8.2000. Petitioner-Corporation is directed to appoint the respondent-workman as Driver afresh and extend the benefits of Circular dated 31.8.2000 for the purpose of calculating the period of three years valid driving licence, by taking into consideration the period of service rendered by him previously. No order as to costs.

04-6-2007

prk